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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,558	04/20/2001	Paul John Rankin	US018042	1278

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EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
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2683

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DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,558

Applicant(s)

RANKIN ET AL.

Examiner

James D Ewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment B, filed on March 26, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2,4-17,19,20,22-24 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17,19,20,22-24 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Regarding claim 11, the 35 USC § 112 rejection pertaining to antecedent basis is withdrawn.
2. The applicant's arguments regarding prior art rejections, filed March 26, 2004, have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 4-17 are rejected under 35 USC 103(a) as being unpatentable over Hollenberg (U.S. Patent No. 6,091,956) in view of Obradovich et al. (U.S. Patent No. 6,542,812) and further in view of Sundquist (U.S. Patent No. 6,675,014).

Referring to claim 1, Hollenberg et al teaches a mobile communication device comprising: a location determination element (Column 5, Lines 20-28); a radio frequency transceiver connected to said location determination element (Column 5, Lines 20-28); an electronic memory connected to said transceiver (Column 6, Lines 34-38); a processor connected to said location determination element (Column 5, Lines 20-21 and Column 6, Lines 31-38 and

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22-25), said transceiver, and said memory (Column 6, Lines 22-25); and an output element connected to said processor (Column 5, Lines 47-50); wherein the mobile communication device is configured to receive a subset of the information of a location service provider (Column 24, Lines 29-52), the subset of information regarding resources available proximate the location of the mobile communication device (Column 24, Lines 29-52) and wherein the mobile communication device is further configured to receive the subset of information in response to a trigger (Column 24, Lines 29-52 and Figure 14; 131, 132), and wherein the mobile communication device is further configured to produce one or more user location profiles (Column 24, Lines 3-28 & 41-42) but does not teach using a long term user profile. Obradovich et al. teaches using a long term user profile (Figure 7 & Column 9, Lines 56-59). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg et al with the teaching of Obradovich et al. of using a long term user profile to provide a navigated route subject to user preferences, together with information concerning facilities and events surrounding the navigated route for the user's convenience which is achieved by storing user profiles (Column 1, Lines 52-64). Hollenberg and Obradovich et al. teach the limitations of claim 1, but do not teach a plurality of triggering conditions. Sundquist teaches a plurality of triggering conditions (Column 3, Lines 28-34). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg and Obradovich et al. with the teaching of Sundquist of using a plurality of triggering conditions in order to efficiently route data between sending and receiving stations (Column 2, Lines 42-43).

Referring to claim 2, Hollenberg et al teaches a preference update triggering condition (Figure 14; 132), Sundquist teaches wherein the plurality of triggering conditions comprise a device power-on sequence (Column 3, Line 33), a preference update, a boundary crossing by the device (Column 3, Lines 31-32), a registration with a cell of a cellular communication system (Column 3, Lines 49-67), and a periodic time-based request (Column 3, Lines 33-34).

Referring to claim 4, Hollenberg et al teaches wherein said memory has an algorithm stored therein (Column 6, Lines 31-38).

Referring to claim 5, Hollenberg et al teaches wherein said algorithm comprises a location prediction algorithm (Column 18, Lines 14-15, 55-56 and Column 19, Lines 30-31).

Referring to claim 6, Hollenberg et al teaches an input element whereby the user can input information into the device and store said information in the memory (Column 5, Lines 13-20).

Referring to claim 7, Hollenberg et al teaches wherein said algorithm comprises a time based algorithm which operates on time preference information (Column 6, Lines 32-34).

Referring to claim 8, Hollenberg et al teaches an input element whereby the user can input time preference selections into the device (Column 15, Line 67; Filter).

Referring to claim 9, Hollenberg et al teaches wherein said algorithm comprises a geographic preference algorithm (Column 6, Lines 36-38).

Referring to claim 10, Hollenberg et al teaches wherein said algorithm comprises a subject matter preference algorithm (Column 15, Line 67; Filter).

Referring to claim 11, Hollenberg et al teaches a communication system comprising: a mobile communication device including a location determination element (Column 5, Lines 20-28); a radio frequency transceiver connected to said location determination element (Column 5, Lines 20-28); a memory connected to said transceiver (Column 6, Lines 34-38); a processor connected to said location determination element, said transceiver, and said memory (Column 5, Lines 20-21 and Column 6, Lines 31-38); and an output connected to said processor (Column 5, Lines 47-50); a location resource server including a memory in which data is stored (Column 15, Lines 64-67), said data pertaining to resources available at selected geographic locations (Column 15, Lines 64-67), said location resource server capable of establishing communication with said mobile communication device (Column 15, Lines 64-67); whereby said location resource server can establish communication with said device and download information to said mobile communication device (Column 15, Lines 64-67), without a request for information from said device (Column 6, Lines 34-38 and Column 24, Lines 42-43), and whereby said device can process such information and output processed information on its output (Column 6, Lines 31-38), said processed information pertaining to resources available at the location of said mobile communication device (Column 6, Lines 31-38), and wherein the mobile communication device

is further configured to produce one or more user locations profiles (Column 24, Lines 3-28 & 41-42) and to receive the subset of information in response to a trigger, but does not teach using a long term user profile. Obradovich et al. teaches using a long term user profile (Figure 7 & Column 9, Lines 56-59). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg et al with the teaching of Obradovich et al. of using a long term user profile to provide a navigated route subject to user preferences, together with information concerning facilities and events surrounding the navigated route for the user's convenience which is achieved by storing user profiles (Column 1, Lines 52-64). Hollenberg and Obradovich et al. teach the limitations of claim 1, but do not teach a plurality of triggering conditions. Sundquist teaches a plurality of triggering conditions (Column 3, Lines 28-34). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg with the teaching of Sundquist of using a plurality of triggering conditions in order to efficiently route data between sending and receiving stations (Column 2, Lines 42-43).

Referring to claim 12, Hollenberg et al further teaches wherein said device memory includes an algorithm (Column 6, Lines 31-38).

Referring to claim 13, Hollenberg et al further teaches wherein said algorithm includes a location prediction algorithm (Column 18, Lines 14-15, 55-56 and Column 19, Lines 30-31).

Referring to claim 14, Hollenberg et al further teaches wherein said mobile communication device includes an input (Column 5, Lines 13-20).

Referring to claim 15, Hollenberg et al further teaches a time based algorithm for processing information based on time preferences selected by the user on said input (Column 6, Lines 332-34 and Column 15, Lines 67; Filter).

Referring to claim 16, Hollenberg et al further teaches wherein said algorithm includes a geographic preference algorithm (Column 6, Lines 36-38).

Referring to claim 17, Hollenberg et al further teaches wherein said algorithm includes a subject matter preference algorithm (Column 15, Line 67; Filter).

4. Claims 19, 20, 22 - 24, and 27 are rejected under 35 USC 103(a) as being unpatentable over Hollenberg and further in view of Obradovich et al. (U.S. Patent No. 6,542,812).

Referring to claim 19, Hollenberg et al teaches a method for supplying geographically based resource information to a mobile communication device comprising: determining a location profile of said device (Column 24, Lines 3-28 & 41-42 and Figure 14); communicating said location profile to a location resource server (Column 24, Lines 25-27 and Figure 14); selecting information regarding items in a region based on said communicated determined location profile (Column 24, Lines 25-27); and downloading said selected information to said

device (Column 24, Lines 25-31); wherein selected information comprises advertising (Column 24, Lines 29-33), but does not teach using a long term user profile and advertising includes contact information. Obradovich et al. teaches using a long term user profile and advertising includes contact information (Figure 12 and Column 8, lines 9-18). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg with the teaching of Obradovich et al. wherein advertising includes contact information for promotional purposes (Column 8, lines 13-14).

Referring to claim 20, Hollenberg et al further teaches processing said downloaded information in said device (Column 6, Lines 31-38) and communicating said processed information to a user; wherein processing in said device includes applying user preference as a filter (Figure 14), but does not teach that contact information comprises one or more of the group consisting of email address, telephone numbers and URLs. Obradovich et al. teaches wherein contact information comprises one or more of the group consisting of email address, telephone numbers and URLs (Figure 12 and Column 8, lines 9-18). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg with the teaching of Obradovich et al. wherein contact information comprises one or more of the group consisting of email address, telephone numbers and URLs for promotional purposes (Column 8, lines 13-14).

Referring to claim 22, Hollenberg et al further teaches wherein said processing includes applying a subject matter based preference (Column 15, Line 67).

Referring to claim 23, Hollenberg et al further teaches wherein said processing includes applying a geographically based preference (Column 6, Lines 36-38).

Referring to claim 24, Hollenberg et al further teaches including the step of further comprising processing in said device for predicting the future location of said device (Column 18, Lines 14-15, 55-56 and Column 19, Lines 30-31).

Referring to claim 27, Hollenberg et al further teaches wherein the downloading is in response to a preference update (Figure 14; 132).

5. Claim 28 and 29 are rejected under 35 USC 103(a) as being unpatentable over Hollenberg in view of Obradovich et al. and further in view of Sundquist.

Referring to claims 28 and 29, Hollenberg et al further teaches wherein the downloading is in response to a preference update, but neither Hollenberg or Obradovich et al. teaches in response to: the mobile communication device moving outside a predetermined boundary (Column 3, Lines 31-32) or a time based trigger. Sundquist teaches in response to: the mobile communication device moving outside a predetermined boundary or a time based trigger (Column 3, Lines 33-34). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg or Obradovich et al. with the teaching of Sundquist of responding to the mobile communication device moving

outside a predetermined boundary or a time based trigger (Column 3, Lines 33-34) in order to efficiently route data between sending and receiving stations (Column 2, Lines 42-43).

6. Claim 30 is rejected under 35 USC 103(a) as being unpatentable over Hollenberg in view of Obradovich et al. and further in view of Amin et al. (U.S. Patent No. 6,353,398).

Referring to claim 30, Hollenberg et al further teaches wherein the user preference comprises downloading selected information but does not teach temporal parameters that specify when information may not be pushed to the mobile communication device. Amin et al teaches temporal parameters that specify when information may not be pushed to the mobile communication device (Column 1, Lines 47-50). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg and Obradovich et al. with the teaching of Amin et al wherein temporal parameters specify when information may not be pushed to the mobile communication device to provide relevant information to location-specific users at relevant points in time (Column 1, Lines 40-41). Examiner interprets pushing information only when the mobile device is within a region to also mean temporal parameters of not pushing information when the mobile device is not within the region.

7. Claim 31 is rejected under 35 USC 103(a) as being unpatentable over Hollenberg in view of Obradovich et al. and further in view of Chaves, Jr. et al. (U.S. Patent No. 5,914,668).

Referring to claim 31, Hollenberg et al further teaches wherein the user preference comprises downloading items of information but does not teach wherein a numerical parameter is set by a user. Chaves, Jr. et al. teaches wherein a numerical parameter is set by the user (Column 2, Lines 29-31). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg and Obradovich et al. with the teaching of Chaves, Jr. et al. wherein a numerical parameter is set by the user so that users have the capability of periodically adjusting their mobility operational parameters to fit the activities of the user (Column 2, Lines 6-8).

8. Claim 32 is rejected under 35 USC 103(a) as being unpatentable over Hollenberg in view of Obradovich et al. and further in view of Helferich (U.S. Patent No. 6,233,430).

Referring to claim 32, Hollenberg et al and Obradovich et al. teach the limitations of claim 32, but do not teach downloading during an off-peak period. Helferich teaches downloading during an off-peak period (Column3, Lines 3-8). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Hollenberg and Obradovich et al. with the teaching of Helferich of downloading during an off-peak period to reduce the cost of the download (Column 3, Lines 5-6).

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

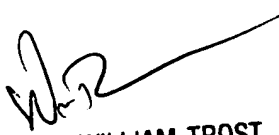
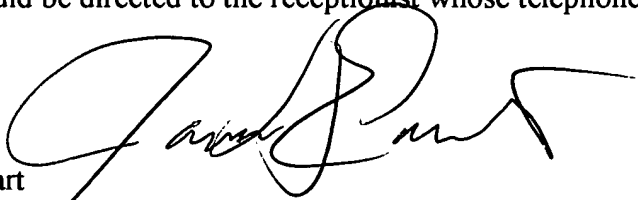
Grosh et al. U.S. Patent No. 6,195,646 discloses system and method for facilitating the valuation and purchase of information.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Ewart
May 21, 2004



WILLIAM TROST
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